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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/555,030	10/27/2005	Morgan Kanflod	AC-104	4211
7590 Mark P Stone 4th Floor 25 Third Street Stamford, CT 06905			EXAMINER KRECK, JOHN J	
			ART UNIT 3673	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/22/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/555,030	KANFLOD ET AL.	
	Examiner	Art Unit	
	John Kreck	3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____                                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____   | 6) <input type="checkbox"/> Other: ____                           |

### DETAILED ACTION

The preliminary amendment has been entered.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 6, 12, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6, 12, and 13 recites the limitation "the seat" in line 4. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 4, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by EP0272233. See figures 3, 4, and 5.

EP'233 teaches a rock bolt (11) including a connection unit which comprises means (34) for detachable interaction (means plus function limitation interpreted as "threads" as disclosed on page 5, line 26 of applicant's specification) with an expansion means; in that the external dimension of the connection unit is such that it can be

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inserted into the borehole (see, e.g. col. 3, first paragraph) as called for in claim 1. Note that claim 1 is not interpreted as requiring the suspension element, but requiring only the connection means.

Regarding claim 4: see col. 2, line 10.

Regarding claim 7: see col. 2, line 46 through col. 3.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 5, 7, 8, 9, 16, 17, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP0272233 in view of Calhoun (U.S. Patent number 4,255,070).

EP'233 shows the rock bolt, connection unit, means for detachable interaction, and the connection unit dimensioned to fit within the borehole. Insofar as claim 1 requires a suspension element, EP'233 fails to disclose it.

Calhoun discusses a suspension element for a rock bolt, which is advantageously threadably connected to the rock bolt, in order to provide attachment for a monorail.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the Ep'233 rock bolt to have included a suspension element as called for in claim 1, in order to suspend a monorail.

Regarding claim 4: see col. 2, line 10 of EP233.

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With regards to claim 5: EP'233 teaches a male threaded connection unit, and therefore lacks the expansion means having a nipple that is inserted into the connection unit. It is apparent that a reversal of parts (i.e. substituting male for female) would result in the connection unit and nipple as claimed. The courts have held that such an obvious expedient is prima facie obvious. See *In re Gazda*, 219 F.2d 449, 104 USPQ 400 (CCPA 1955).

Regarding claim 7: see col. 2, line 46 through col. 3 of Ep233.

With regards to claim 8: Calhoun teaches a mounting lug.

With regards to claims 9, 16, 17, 19, and 20: Calhoun teaches the suspension element ( 22) and EP'233 discloses the expansion means (26,27).

3. Claims 2, 3, 6, 10, 11, 14, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP0272233 and Calhoun (U.S. Patent number 4,255,070) as applied to claim 1 above, and further in view of either one of Campbell, et al. (U.S. Patent number 2,486,113) or Holzbach (U.S. Patent number 3,027,140)

EP'233 and Calhoun lack the sleeve.

Each of Campbell and Holzbach teach similar arrangements of threaded parts, which include sleeves. Official Notice is taken of the fact that such sleeves are known to be advantageous to connect threaded devices of dissimilar diameters, in order to facilitate manufacture. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the EP'233 device to have included a sleeve as called for in claims 2 and 6.

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EP'233 teaches the flange (13) as called for in claim 3.

With regards to claims 10 and 11: EP'233 teaches a male threaded connection unit, and therefore lacks the expansion means having a nipple that is inserted into the connection unit. It is apparent that a reversal of parts (i.e. substituting male for female) would result in the connection unit and nipple as claimed. The courts have held that such an obvious expedient is prima facie obvious. See *In re Gazda*, 219 F.2d 449, 104 USPQ 400 (CCPA 1955).

With regards to claims 14-15: Calhoun teaches the suspension element ( 22) and EP'233 discloses the expansion means (26,27).


4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. WO2005119009A1 discloses (e.g. paragraph 23) a similar invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Kreck whose telephone number is 571-272-7042. The examiner can normally be reached on Mon-Thurs 530am-2pm; Fri: telework.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



John Kreck  
Primary Examiner  
Art Unit 3673

18 December 2006